

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TLC VISION CORPORATION,                          )  
    )  
    )  
Plaintiff, )  
    )  
v.   ) Case No. 06-CV-01424 CDP  
CALVIN ROBERT GRAEF,                            )  
    )  
Defendant. )

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**CONSENT INJUNCTION**

This matter having come before the Court on TLC Vision Corporation's Motion for a Temporary Restraining Order, which the Court denied, and TLC Vision's Motion for Preliminary Injunction pending, the Court being advised as follows, that Plaintiff TLC Vision Corporation ("TLC Vision") and Defendant Dr. Calvin Robert Graef ("Graef"), by and through their undersigned attorneys, agree that the conditions of the entry of a Consent Injunction have been met and hereby stipulate and agree, without any admission of liability and solely for the purposes of avoiding further needless litigation, to entry of this Consent Injunction as follows:

1.     Graef shall not directly or indirectly, on his own behalf or for any third party including but not limited to LASIK PLUS, use or disclose any of TLC Vision's trade secrets or confidential information.
2.     Graef shall not directly or indirectly, for a period of one year beginning from the date of entry of this Consent Injunction, on his own behalf or for others including but not limited to LASIK PLUS, initiate any action to solicit any individual or entity which is or was part of TLC Vision's Affiliate Network of Optometrists, to any entity, distributor or person outside of

the U.S. and Canada, or divert or attempt to divert from TLC Vision the business of TLC Vision's Affiliate Network of Optometrists.

3. Graef shall not, directly or indirectly, for a period of one year from the date of this Order, on his own behalf or for others including, but not limited to, LASIK PLUS, initiate any action to solicit any technicians or staff employed by TLC Vision.

4. Graef certifies he has returned to TLC Vision all property of TLC Vision, including all of the media and documents he delivered to his counsel. Graef further certifies that neither he nor any third party have retained any copies of the same and have deleted any electronic copies, and that he has not retained or given to any third person or entity any copies of information or trade secrets contained in such media or documents.

5. In the event of a material breach of this Consent Injunction, the prevailing party shall be entitled to appropriate relief, including an order of contempt and appropriate injunctive relief.

SO STIPULATED.

TLC VISION CORPORATION

CALVIN ROBERT GRAEF By: K. Hendler  
CALVIN ROBERT GRAEF

11-27-06  
Date

11/30/06  
Date

IT IS SO ORDERED.

Dated this 5<sup>th</sup> day of December, 2006.

Catherine D. Perry  
Catherine D. Perry,  
United States District Court Judge